

E-Filed 4/27/2010

Joseph N. Kravec, Jr., Esquire (*pro hac vice*)
STEMBER FEINSTEIN DOYLE
PAYNE & CORDES, LLC
Allegheny Building, 17th Floor
429 Forbes Avenue
Pittsburgh, PA 15219
Telephone: (412) 281-8400
Facsimile: (412) 281-1007
Email: jkravec@stemberfeinstein.com

Michael D. Braun, Esquire (167416)
BRAUN LAW GROUP, P.C.
10680 West Pico Boulevard, Suite 280
Los Angeles, CA 90064
Telephone: (310) 836-6000
Facsimile: (310) 836-6010
Email: service@braunlawgroup.com

Janet Lindner Spielberg, Esquire (221926)
LAW OFFICE OF JANET LINDNER
SPIELBERG
12400 Wilshire Boulevard, Suite 400
Los Angeles, CA 90025
Telephone: (310) 392-8801
Facsimile: (310) 278-5938
Email: jlspielberg@jlspl.com

ATTORNEYS FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

JONATHAN C. KALTWASSER,
on behalf of himself and all others
similarly situated,

Plaintiff,

v.

AT&T MOBILITY LLC
f/k/a/CINGULAR WIRELESS LLC,

Defendant.

J. Mark Moore, Esquire (180473)
Ira Spiro, Esquire (67641)
SPIRO MOSS, LLP
11377 West Olympic Boulevard, Fifth Floor
Los Angeles, CA 90064-1683
Telephone: (310) 235-2468
Facsimile: (310) 235-2456
Email: mark@spiromoss.com;
ira@spiromoss.com

Wyatt A. Lison, Esquire
SPECTER SPECTER EVANS
& MANOGUE, P.C.
The 26th Floor Koppers Building
Pittsburgh, PA 15219
Telephone: (412) 642-2300
Facsimile: (412) 642-2309
Email: wlison@ssem.com

) Case No. 5:07-CV-00411 JF
) **STIPULATION AND PROPOSED CASE**
) **MANAGEMENT SCHEDULING ORDER**
) **AMENDING ORDER ENTERED ON**
) **MARCH 22, 2010, AS MODIFIED BY**
) **THE COURT**
) **HONORABLE JEREMY FOGEL**
)
)
)

1 The parties, by their undersigned counsel, hereby submit the following stipulation and
2 [proposed] order for entry by this Court pursuant to Local Rule 7-12:

3 1. Plaintiff filed his Motion for Class Certification and supporting papers on February
4 26, 2010 [Documents 108-109].

5 2. On March 22, 2010, this Court entered an Amended Case Management Scheduling
6 Order [Document 121] adopting the parties proposed schedule [Document 115], requiring
7 Defendant's Opposition thereto to be filed by April 16, 2010, Plaintiff Reply thereto to be filed by
8 May 7, 2010, and setting a motions hearing on class certification for May 21, 2010, at 9:00 a.m.

9 2. Defendant filed its Opposition to Plaintiff's Motion for Class Certification and
10 Supporting Memorandum on April 16, 2010. [Document 131.] In support of that Motion,
11 Defendant also submitted the expert declaration of Professor A. Mitchell Polinsky (under seal). In
12 order to adequately respond to Defendant's submission of expert testimony, Plaintiff will need to
13 depose Professor Polinsky. Plaintiff believes additional time will be necessary to complete these
14 tasks prior to Plaintiff submitting his reply papers to class certification, which are due on May 7,
15 2010.

16 3. In that connection, the parties conferred with respect to extending the current class
17 certification schedule and hereby agree to and submit the following stipulation for an amended
18 schedule for completion of class discovery and for the hearing and briefing on Plaintiff's Motion for
19 Class Certification:

20 a. Plaintiff's reply in support of his Motion for Class Certification shall be filed
21 no later than **May 21, 2010.** 11

22 b. The Motion for Class Certification shall be heard on **June 4, 2010, at 9:00**
23 **a.m.** in Courtroom 3, 5th Floor, United States Courthouse, 280 S. First Street, San Jose,
24 California.

1 The Parties respectfully request that the Court enter this Stipulation.

2 Dated: April 26, 2010

3 **AGREED TO BY:**

4 **STEMBER FEINSTEIN DOYLE PAYNE**
5 **& CORDES, LLC**

6 By: s/Joseph N. Kravec, Jr.
7 Joseph N. Kravec, Jr. (*pro hac vice*)

8 Allegheny Building, 17th Floor
9 429 Forbes Avenue
10 Pittsburgh, Pennsylvania 15219
Telephone: (412) 281-8400
Facsimile: (412) 281-1007

11 Janet Lindner Spielberg (221926)
12 **LAW OFFICES OF JANET LINDNER**
13 **SPIELBERG**

14 12400 Wilshire Boulevard, Suite 400
15 Los Angeles, California 90025
Telephone: (310) 392-8801
Facsimile: (310) 278-5938

16 Michael D. Braun (167416)
17 **BRAUN LAW GROUP, P.C.**
18 10680 West Pico Boulevard, Suite 280
19 Los Angeles, California 90064
Telephone: (310) 836-6000
Facsimile: (310) 836-6010

20 Ira Spiro (67641)
21 **SPIRO MOSS, LLP**
22 11377 West Olympic Boulevard, Fifth Floor
23 Los Angeles, California 90064-1683
Telephone: (310) 235-2468
Facsimile: (310) 235-2456

24 Wyatt A. Lison
25 **SPECTER SPECTER EVANS**
26 **& MANOGUE, P.C.**
27 The 26th Floor Koppers Building
Pittsburgh, Pennsylvania 15219
Telephone: (412) 642-2300
Facsimile: (412) 642-2309

28 *Attorneys for Plaintiff*

McKENNA LONG & ALDRIDGE LLP

By: s/Nathan L. Garroway
David L. Balser (*pro hac vice*)
Nathan L. Garroway (*pro hac vice*)
Jeffrey R. Baxter (*pro hac vice*)

303 Peachtree Street, N.E., Suite 5300
Atlanta, GA 30308
Telephone: (404) 527-4000
Facsimile: (404) 527-4198

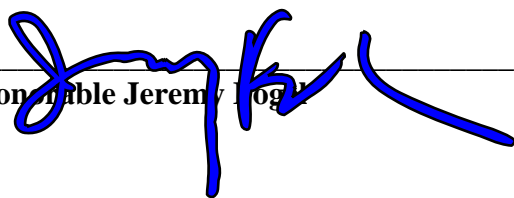
Email: dbalser@mckennalong.com
ngarroway@mckennalong.com

Felicia Y. Feng (184346)
McKENNA LONG & ALDRIDGE LLP
101 California Street, 41st Floor
San Francisco, California 94111
Telephone: (415) 267-4000
Facsimile: (415) 267-4198
Email: ffeng@mckennalong.com

*Attorneys for Defendant ATT Mobility f/k/a
Cingular Wireless LLC*

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

2
3 **Dated: April 27, 2010**

4 
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF PENNSYLVANIA)

)ss.:

COUNTY OF ALLEGHENY)

I am employed in the county of Allegheny, Commonwealth of Pennsylvania, I am over the age of 18 and not a party to the within action; my business address is Allegheny Building, 17th Floor, 429 Forbes Avenue, Pittsburgh, Pennsylvania 15219.

On April 26, 2010, using the Northern District of California's Electronic Case Filing System, with the ECF ID registered to Joseph N. Kravec, Jr., I filed and served the document(s) described as:

**STIPULATION AND PROPOSED CASE MANAGEMENT SCHEDULING
ORDER AMENDING ORDER ENTERED ON MARCH 22, 2010**

The ECF System is designed to automatically generate an e-mail message to all parties in the case, which constitutes service. According to the ECF/PACER system, for this case, the parties served are as follows:

Ira Spiro, Esq.

ira@spiromoss.com
jeanette@spiromoss.com

J. Mark Moore, Esq.

mark@spiromoss.com

Wyatt A. Lison, Esq.

wlison@ssem.com

Janet Lindner Spielberg, Esq.

jlspielberg@jlspl.com

Michael D. Braun, Esq.

service@braunlawgroup.com

Attorneys for Plaintiff

David L. Balser, Esq.

dbalser@mckennalong.com
kwade@mckennalong.com

Nathan L. Garroway, Esq.

ngarroway@mckennalong.com
rfowler@mckennalong.com

Felicia Yi-Wen Feng, Esq.

ffeng@mckennalong.com

gparonelli@mckennalong.com

Donald M. Falk, Esq.

dfalk@mayerbrown.com

ksurzynski@mayerbrown.com

Attorneys for Defendant

I declare that I am an attorney for Plaintiff admitted *pro hac vice* in this action.

I further declare under penalty of perjury under the laws of the United States that the above is true and correct.

Executed on April 26, 2010, at Pittsburgh, Pennsylvania 15219.

S/JOSEPH N. KRAVEC, JR.

JOSEPH N. KRAVEC, JR.